

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLYDE E. McROBERTS,

Petitioner, No. CIV S-05-0287 FCD GGH P

vs.

ARNOLD SCHWARZENEGGER,

Respondent. ORDER

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Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On April 13, 2005, the magistrate judge filed findings and recommendations herein which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within twenty days. Petitioner has not filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

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1 1. The findings and recommendations filed April 13, 2005, are adopted in full;

2 and

3 2. This action is dismissed without prejudice.

4 DATED:May 27, 2005

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6 /s/ Frank C. Damrell Jr. _____
7 FRANK C. DAMRELL JR.
8 United States District Judge

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